

REMARKS

The application has been reviewed in light of the Office Action dated September 15, 2003. Claims 1, 3, 4 and 5 are pending, with Claims 1 and 5 being independent. Claims 1 and 3 have been amended, and Claim 5 has been cancelled without prejudice. Claims 1 and 5 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent 4,354,655 to Hengst ("Hengst"). Claims 3-4 stand rejected under 35 U.S.C. §103(a) as unpatentable over Hengst in view of U.S. Patent 5,118,233 to Mitchell ("Mitchell"). It is respectfully requested that the above-listed rejections be withdrawn in view of the preceding amendment, the following discussion and the contents of the telephone interview between the Examiner and the undersigned, which are briefly summarized immediately below.

During the interview, the subject of lateral displacement of a fastening element was discussed. The Examiner agreed with the argument advanced by the undersigned that neither the cited references nor other references made of record disclose such a structure, in which the fastening element moves laterally within a channel of a rail.

Claim 1 and now cancelled Claim 5 have been rejected under 35 U.S.C. §102(b) as being anticipated by Hengst. Claim 1 has been amended to recite at least one fastening element displaceable within a U-shaped channel in "longitudinal and lateral directions." In contrast, Hengst discloses a washer provided with an outer surface, which engages a pair of inwardly locking lips of a rail that prevent lateral displacement of the washer within the channel of the rail. Consequently, Hengst does not disclose each and every element of the structure as claimed and is not anticipatory of Claim 1.

It is respectfully requested that the rejection under 35 U.S.C. §102(b) of Claim 1 be withdrawn.

The Examiner has rejected Claims 3 and 4 under 35 U.S.C. §103(a) as being unpatentable over Hengst in view of Mitchell. The rejected Claims depend from Claim 1. The cited combination of Mitchell and Hengst does not render Claim 1, as amended, obvious, because Mitchell neither teaches nor suggests displacing a fastening element laterally, as presently recited in amended Claim 1. Therefore, dependent Claims 3 and 4 are unobvious in light of the cited combination at least for the same reasons as Claim 1.

Withdrawal of the 35 U.S.C. §103(a) rejection of Claims 3 and 4 is respectfully requested.

Please note that no new issue has been introduced by amending Claim 1, as discussed above, since all of the newly introduced limitations were previously recited in now amended Claim 3. Therefore, it is respectfully requested that Claims 1, 3 and 4 be considered on the merits.

In view of the foregoing amendments and remarks, it is respectfully submitted that Claims 1, 3 and 4 are in condition for allowance. Early and favorable reconsideration is respectfully requested. Should the Examiner believe that a telephone or personal interview may facilitate resolution of any remaining matters, she is respectfully requested to contact applicants' attorney at the number indicated below.

Respectfully submitted,



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